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10/765,006	01/26/2004	Richard L. Thibault	102314-0160	6758
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NUTTER MCCLENNEN & FISH LLP			VU, THONG H	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/765,006	THIBAULT ET AL.
	Examiner Thong H. Vu	Art Unit 2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 26 January 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 178-276 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 178-276 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>6/06, 3/05, 7/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____. |

1. Claims 178-276 are pending.
2. This application is a CON of USP 6,799,195 which is a CON of 08/700,199 (ABN).
3. Claims 220 and 221 depend on claim 220. Correction is required.

Claims 178-276 are rejected under 35 U.S.C. 102(e) as being anticipated by Theimer et al [Theimer 5,544,321].

4. As per claim 257, Theimer discloses A method of operating a digital data processor for use in a control system that includes one or more control/sensing devices to monitor and/or control a process, said digital data processor including a wireless network connection [Theimer, monitor or control, col 28 line 44; network, infrared transceiver and mobile users, col 5 lines 45-65], the method comprising

A. configuring the digital data processor as a process controller for purposes of controlling one or more of said control/sensing devices [Theimer, configured to support a system, col 5 lines 44-50], and

B. exchanging one or more messages over said wireless network via said wireless network connection for purposes of effecting said controlling of said one or more said control/sensing devices [Theimer, RPC exchange, col 27 line 21; wireless network, col 3 line 40; infrared sensors 15, Fig 11, col 20 lines 47-54].

5. As per claim 258, Theimer discloses the digital data processor is any of a portable computer and a personal digital assistant [Theimer, a portable computer, col 7 line 37, a small stylus-based mobile computer, col 6 line 52].

6. As per claim 259, Theimer discloses the digital data processor is battery-powered [Theimer, battery, col 7 line 10].

7. As per claims 260,261 Theimer discloses the digital data processor operates without a wired network connection to the process control system [Theimer, wireless, col 3 line 40].

8. As per claim 262, Theimer discloses 03) includes exchanging over the wireless network messages that include requests, generated by the process controller, for managing objects within the control system, wherein those objects maintain information on the status of at least selected control/sensing devices [Theimer, the current state of device, col 8 line 45].

9. As per claim 263, Theimer discloses 03) includes exchanging over the wireless network one or more messages for remotely managing shared objects of the control system [Theimer, shared control of a device, col 14 line 20].

10. As per claim 264, Theimer discloses 03) includes exchanging over the wireless network one or mere messages for any of creating, registering, locating, accessing and/or updating said objects that maintain on the status of at least selected control/sensing devices [Theimer, the current state of device, col 8 line 45].

11. As per claim 265, Theimer discloses (B) includes exchanging over the wireless network one or more messages for any of (i) creating a named object

that stores information regarding the one or more control/sensing devices, (ii) destroying such an object [Theimer, create and delete, col 16 lines 35-45], (iii) accessing information such an object, (iv) updating information in such an object [Theimer, update, col 12 lines 45-55], (v) determining, from an object name, a physical address associated with such an object [Theimer, objects, name and address, col 7 line 55-col 8 line 14], and (vi) providing notification of changes in at least selected information stored in such an object [Theimer, notification, col 12 lines 20-45].

12. As per claim 266, Theimer discloses (B) includes exchanging over the wireless network one or more messages including requests to get a process variable associated with one or more of the control/sensing devices.

13. As per claim 267, Theimer discloses executing a program on said digital data processor in order to configure it as a said processor controller.

14. As per claim 268 Theimer discloses exchanging said messages over the wireless network using a TCP/IP protocol [Theimer, packet communication network, col 6 line 47].

15. As per claim 269, Theimer discloses exchanging said messages in a form of any of text and ASC format [Theimer, text, col 15 line 3].

16. As per claim 270, Theimer discloses exchanging one or more said messages in order to get information reflecting the status of one or more of the devices [Theimer, reflect, col 12 line 15].

17. As per claim 271, Theimer discloses graphically displaying information gotten by the digital data processor in response said one or more messages

information reflecting the status of one or more of the devices [Theimer, graphic, col 23 line 66; reflect, col 12 line 15].

18. As per claim 272, Theimer discloses exchanging one or more said messages in order to set a value associated with one or more of the control/sensing devices [Theimer, based on the updated information, col 20 lines 15-20].

19. As per claim 273, Theimer discloses the digital data processor is a personal digital assistant [Theimer, a small stylus-based mobile computer, col 6 line 52].

20. As per claim 274, Theimer discloses providing user input to the digital data processor via any of a keyboard or mouse [Theimer, col 14 lines 35].

21. As per claim 275, Theimer discloses the digital data processor is adapted to monitor and control one or more plant processes [Theimer, monitor and control, col 20 line 50].

22. As per claim 276, Theimer discloses the digital data processor is adapted to provide remote access to one or more of said control/sensing devices for purposes of any of monitoring and controlling said one or more plant processes [Theimer, monitor and control, col 20 line 50].

23. As per claim 178, Theimer discloses A process control system, comprising:

A. a plurality of devices to any of monitor and control a process [Theimer, monitored and controlled, col 20 lines 47-54],

- B. a portable computer equipped for display to, and input from, an operator [Theimer, a portable computer, col 7 line 37],
- C. a program executing on the portable computer that responds to input to transmit to a digital data processor separate from the portable computer a request to update information that controls one or more of the devices [Theimer, server, col 5 line 48; a portable computer, col 7 line 37],
- D. software executing on the digital data processor, the software responding to selected requests received from the program to issue a command to update information that controls one or more of the devices [Theimer, update, col 12 lines 45-55].

24. As per claim 190, Theimer discloses A process control system of the type having a plurality of devices to any of monitor and control a process [Theimer, monitor and control, col 28 line 44], the process control system comprising

- A. a portable computer equipped for display to, and input from, an operator [Theimer, a portable computer, col 7 line 37],
- B. a program executing on the portable computer that transmits to a digital data processor requests to update information that controls one or more of the devices, the program responding to operator input to transmit requests to get information reflecting the status of one or more of the devices and/or displaying said information [Theimer, current status and display, col 8 lines 33-47],
- C. software executing on the digital data processor, the software responding to requests received from the program to selectively (a) issue a

command to update information that controls one or more of the devices and (b) obtain information pertaining to one or more of the devices [Theimer, update, col 12 lines 45-55],

D. wherein the digital data processor is disposed remotely from the portable computer and is coupled for communication therewith via a wireless network [Theimer, RPC, col 7 lines 42-49].

25. As per claim 199, Theimer discloses A process control system comprising

A. a plurality of devices to any of monitor and control a process [Theimer, monitor and control, col 20 line 50],

B. a portable computer equipped for display to, and input from, an operator [Theimer, a portable computer, col 7 line 37],

C. a digital data processor coupled to the portable computer via a wireless network [Theimer, a file server 20, col 5 line 48],

D. software executing on the digital data processor, the software responding to selected requests received from the portable to execute a service for at least one of (i) creating a named object that stores information regarding the one or more control/sensing devices, (ii) destroying such an object [Theimer, create and delete, col 16 lines 35-45], (iii) accessing information in such an object [Theimer, interaction for customized object, col 20 lines 3-15], (iv) updating information in such an object [Theimer, update object, col 12 lines 45-55], (v) determining, from an object name, a physical address associated with such an object [Theimer, objects, name and address, col 7 line 55-col 8 line 14], end (vi)

providing notification of changes in at least selected information stored in such an object [Theimer, notification, col 12 lines 20-45], and

E. the portable computer transmitting to the digital data processor requests for one or more said services, and responding to input to transit to the digital data processor requests for one or more of said services in order to update information in an object that is associated with one or more of the devices [Theimer, update, col 12 lines 45-55].

26. As per claim 213, Theimer discloses A process control system comprising

A. a plurality of devices to any monitor and control a process [Theimer, monitor and control, col 20 line 50],

B. a portable computer equipped for display to, and input from, an operator [Theimer, a portable computer, col 7 line 37],

C. a digital data processor coupled to the portable computer via a wireless network [Theimer, a file server 20, col 5 line 48],

D. software executing on the digital data processor, the software responding to selected requests received from the portable to execute a service for at least one of (i) creating a named object that stores information regarding the one or more control/sensing devices, (ii) destroying such an object [Theimer, create and delete, col 16 lines 35-45], (iii) accessing information in such an object [Theimer, interaction for customized object, col 20 lines 3-15], (iv) updating information in such an object [Theimer, update object, col 12 lines 45-55], (v) determining, from an object name, a physical address associated with such an

object [Theimer, objects, name and address, col 7 line 55-col 8 line 14], and (vi) providing notification of changes in at least selected information stored in such an object [Theimer, notification, col 12 lines 20-45].

27. As per claim 229, Theimer discloses A portable computer for use in a control system that includes one or more control/sensing devices to monitor and/or control a process, the portable computer comprising

A. a program that executes on the portable computer in order to configure it as a process controlling for purposes of at least controlling the one or more control/sensing devices [Theimer, monitor and control, col 20 line 50],

B. the portable computer, when configured as a process controller, exchanging messages over a wireless network with a server digital data processor for purposes of controlling the one or more control/sensing devices [Theimer, a portable computer, col 7 line 37; a file server 20, col 5 line 48],

C. the messages including requests, transmitted by the portable computer to the server digital data processor, for services provided by the server digital data processor including service8 for at least one of(i) accessing information regarding the one or more control/sensing devices [Theimer, interaction for customized object, col 20 lines 3-15], (ii) updating information regarding the one or more control/sensing devices [Theimer, update object, col 12 lines 45-55], (iii) determining a physical address associated with the one or more control/sensing devices [Theimer, objects, name and address, col 7 line 55-col 8 line 14], and (iv) providing notification of changes in at least selected information pertaining to the

one or more control/sensing devices [Theimer, notification, col 12 lines 20-45].

28. As per claim 243, Theimer discloses A digital data processor for use in a control system that includes one or more control/sensing devices to recruiter and/or control a process, the digital data processor comprising

A. a program that executes on the digital data processor in order to configure it as a process controller for purposes of at least controlling the one or more control/sensing devices [Theimer, monitor and control, col 20 line 50],

B. the digital data processor, when configured as a process controller, exchanging messages over a wireless network for purposes of controlling the one or more control/sensing devices [Theimer, a file server 20, col 5 line 48],

C. the messages including requests, transmitted by the digital data processor for object management services including services for at least one of(i) accessing information regarding the one or more control/sensing devices [Theimer, interaction for customized object, col 20 lines 3-15], (ii) updating information regarding the one or more control/sensing devices [Theimer, update object, col 12 lines 45-55], (iii) determining a physical address associated with the one or more control/sensing devices [Theimer, objects, name and address, col 7 line 55-col 8 line 14], and (iv) providing notification of changes in at least selected information pertaining to the one or more control/sensing devices [Theimer, notification, col 12 lines 20-45].

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29. Claims 179-189, 191-198, 200-211, 214-228, 230-242, 244-256 contain the identical limitations set forth in claims 258-276. Therefore claims 179-189, 191-198, 200-211, 214-228, 230-242, 244-256 are rejected for the same rationale set forth in claims 258-276.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thong H. Vu whose telephone number is 571-272-3904. The examiner can normally be reached on 6:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached on 571-272-2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**Thong Vu
Primary Examiner**



THONG VU
PRIMARY PATENT EXAMINER